

These draft Regulations supersede the draft of the same title which was laid before the Scottish Parliament on 8th February 2023 and published on 8th February 2023 (ISBN 978-0-11-1056509). It is being issued free of charge to all known recipients of those draft Regulations.

Draft Regulations laid before the Scottish Parliament under section 12(5)(a) of the Cost of Living (Tenant Protection) (Scotland) Act 2022 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

HOUSING

The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Incidental Provision) Regulations 2023

Made - - - - 2023

Coming into force - - 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 12(1) of the Cost of Living (Tenant Protection) (Scotland) Act 2022⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 12(5)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Incidental Provision) Regulations 2023.

(2) These Regulations come into force on the day after the day on which they are made.

Amendment of the Cost of Living (Tenant Protection) (Scotland) Act 2022

2.—(1) Paragraph 1 of schedule 3 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 (rent adjudication: power to modify) is amended as follows.

(2) In sub-paragraph (2)—

(a) in the opening words, for “section 34” substitute “section 33”,

(b) in the inserted text—

(1) [2022 asp 10](#). Per section 12(2), regulations under section 12(1) may modify any enactment.

- (i) the inserted section is renumbered as section 33ZA (of the Private Housing (Tenancies) (Scotland) Act 2016⁽²⁾),
 - (ii) the title of the section becomes “Power to modify Chapter 2”,
 - (iii) the italic heading before the section becomes “Power to modify Chapter 2”.
- (3) In sub-paragraph (3), for ““34A”” substitute ““33ZA””.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(2) 2016 asp 19.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make incidental provision for the purposes of, and to give full effect to, the Cost of Living (Tenant Protection) (Scotland) Act 2022 (“the 2022 Act”). This will ensure the new section inserted into Chapter 2 of Part 4 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) by schedule 3 of the 2022 Act, as intended.

Regulation 2(2) renumbers the new section and amends the title of the section (and the preceding italic heading) to make it clear that the power is intended to permit modification of Chapter 2 of Part 4 of the 2016 Act.

Regulation 2(3) amends section 77 of the 2016 Act (regulation-making powers) in consequence of the renumbering.